

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

COLEMAN JEFFERSON VAOGA,

Plaintiff

Case No. 3:21-cv-00342-RCJ-WGC

ORDER

v.

ELY STATE PRISON, *et al.*

Defendants

I. DISCUSSION

On August 10, 2021, this Court ordered Plaintiff to file a fully complete application to proceed *in forma pauperis* ("IFP application") or pay the full \$402 filing fee for a civil action on or before October 12, 2021. (ECF No. 4). On August 16, 2021, Plaintiff filed an incomplete IFP application that did not contain a fully signed Financial Certificate (signed by both Plaintiff and prison officials on page 4 of this Court's application) or an inmate account statement for the previous six-month period. (ECF No. 5). Because it appears that an extension of the initial deadline and another court order are meaningful alternatives to dismissal here, the Court will grant Plaintiff **one final opportunity** to submit a fully signed Financial Certificate (signed by both Plaintiff and prison officials on page 4 of this Court's application) and an inmate account statement for the previous six-month period to the Court on or before **February 21, 2022**. See *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (providing that "district court need not exhaust every sanction short of dismissal before finally dismissing a case, but must explore possible and meaningful alternatives").

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send Plaintiff the approved IFP application by an inmate, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **February 21, 2022**, Plaintiff shall

1 either: (1) file a fully complete IFP application, on the correct form with complete financial
2 attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$402 fee for filing
3 a civil action (which includes the \$350 filing fee and the \$52 administrative fee).

4 IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order,
5 this case will be subject to dismissal without prejudice for Plaintiff to refile the case with
6 the Court, under a new case number, when Plaintiff is able to submit a fully complete
7 application to proceed *in forma pauperis* or pay the full \$402 filing fee for a civil action.

8
9 DATED: January 21, 2022

10 Walter G. Cobb
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28